

THIS IS A CERTIFIED
TRUE COPY

GATH & GATH, P.C.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

CATHERINE E. FRIAS,

Plaintiff,

v.

DOUGLAS M. PRATT, an individual;
PRINCE TELECOM, INC., and/or its/ their
unknown business entity and/or subsidiary, a
foreign business corporation; and PRINCE
TELECOM, LLC, and/or its/their unknown
business entity and/or subsidiary, a foreign
Limited Liability Company,

Defendants.

CASE NO.: 1010-15181

**COMPLAINT FOR PERSONAL
INJURIES, NEGLIGENCE, AND
REQUEST FOR JURY TRIAL**

(Claim not subject to mandatory
arbitration)

Amount prayed for: \$995,000.00

FOR PLAINTIFF'S CLAIMS FOR RELIEF HEREIN, Plaintiff alleges as follows:

1.

The amount in controversy exceeds the sum of \$50,000; and, therefore, the present action
is not subject to mandatory arbitration.

2.

At all times material herein, Hines Street SE was and is a duly dedicated public highway or
thoroughfare located in or about Salem, Marion County, Oregon. At all times material herein, 17th

1 - COMPLAINT FOR PERSONAL INJURIES, NEGLIGENCE, AND REQUEST FOR
JURY TRIAL

PAGE

EXHIBIT

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OF 18

MAIER, SAYER, THAYER
AND ASSOCIATES

ATTORNEYS AT LAW

1781 Liberty Street SE, Salem, Oregon 97302
503/383-3443

1 Street SE was and is a duly dedicated public highway or thoroughfare located in or about Salem,
 2 Marion County, Oregon.

3 3.

4 At all times material herein, Defendant Prince Telecom, Inc., and/or its/their unknown
 5 business entity and/or subsidiary, was and is a foreign business corporation, licensed to do business
 6 in the State of Oregon, and which conducts regularly sustained business activities in Multnomah
 7 County, Oregon. At all times material herein, Defendant Prince Telecom, LLC, and/or its/their
 8 unknown business entity and/or subsidiary, was and is a foreign Limited Liability Company,
 9 licensed to do business in the State of Oregon, and which conducts regularly sustained business
 10 activities in Multnomah County, Oregon. Said Defendants shall hereinafter collectively be referred
 11 to as "Defendant Prince Telecom."
 12

13 4.

14 At all times material herein, Defendant Douglas M. Pratt was and is an employee and/or
 15 agent of Defendant Prince Telecom and was conducting himself within the normal course and scope
 16 of his employment and/or agency with Defendant Prince Telecom. At all times material herein, the
 17 vehicle operated by Defendant Douglas M. Pratt, a 2004 Ford Ranger, was and is owned and/or
 18 maintained by Defendant Prince Telecom and was operated by Defendant Douglas M. Pratt in the
 19 normal course and scope of his employment and/or agency with Defendant Prince Telecom.
 20
 21

22 5.

23 On or about November 12, 2008, at or about 9:12 a.m., the Plaintiff was the seat-belted
 24 driver of a 2003 Nissan Sentra. The Plaintiff was operating said vehicle in a generally easterly
 25 direction upon Hines Street SE. At or about the intersection of Hines Street SE and 17th Street SE,
 26

2 - COMPLAINT FOR PERSONAL INJURIES, NEGLIGENCE, AND REQUEST FOR
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PAGE

EXHIBIT

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OF

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1 Defendant Douglas M. Pratt was operating a 2004 Ford Ranger in a generally southerly direction
 2 upon 17th Street SE. Defendant Douglas M. Pratt did disobey a traffic control device, namely a stop
 3 sign, and enter into the intersection. A collision occurred between the vehicles. This collision was
 4 caused by the negligence of Defendant Douglas M. Pratt as is hereinafter more specifically set forth.
 5 This collision caused injuries to Plaintiff's person as are hereinafter more specifically set forth.
 6

7 6.

8 At the aforementioned time and place of the collision, Defendant Douglas M. Pratt was
 9 negligent in one or more of the following particulars:

- 10 (a) In failing to maintain a proper lookout for other vehicles upon the roadway;
 11 (b) In operating his vehicle at a speed that was unreasonable under the circumstances
 12 then and there existing;
 13 (c) In failing to maintain control of his vehicle as would a reasonably prudent driver
 14 under the same or similar circumstances;
 15 (d) In failing to obey the directives of a traffic control device, namely a stop sign, in
 16 violation of ORS 811.260 and ORS 811.265;
 17 (e) In failing to yield the right-of-way to the Plaintiff's vehicle in violation of ORS
 18 811.260 and ORS 811.265; and
 19 (f) In operating the vehicle in such a fashion so as to constitute careless driving in
 20 violation of ORS 811.135.
 21
 22
 23

24 7.

25 Defendant Prince Telecom is vicariously liable for the acts and/or omissions of its employee
 26 and/or agent, Defendant Douglas M. Pratt, as alleged above.

PAGE

3 - COMPLAINT FOR PERSONAL INJURIES, NEGLIGENCE, AND REQUEST FOR
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EXHIBIT

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8.

As a direct and proximate result of the negligence of Defendant Douglas M. Pratt and Defendant Prince Telecom as aforementioned, the Plaintiff was caused physical pain, anguish, and suffering, together with a permanent tearing, twisting, and wrenching of the muscles, tendons, ligaments, bones, nerves, and soft tissues of her neck, shoulders, back, and knee, with resultant headaches, dizziness, nausea, ringing in her ears, radicular symptoms in her lower extremities, and right knee and, in particular, the following:

1. Annular tearing at L4-5 and L5-S1;
2. Traumatic right medial meniscus tear;
3. Cervical sprain;
4. Thoracic sprain;
5. Lumbar sprain;
6. TMJ disorder; and
7. Lumbar intervertebral disc neuritis/radiculitis, with myelopathy.

Plaintiff has sustained orthopedic and/or neurological injuries which have required surgical intervention to correct and which will, to a reasonable degree of medical probability, require future surgical intervention. The Plaintiff has sustained injuries which are permanent and degenerative in nature and have increased her susceptibility to future injury, degenerative arthritis, and degenerative disc disease. In addition, the Plaintiff has sustained injuries which may constitute an aggravation of a pre-existing condition and/or aggravation of a prior infirm condition. Moreover, the Plaintiff has been caused an impairment to the enjoyment of her lifestyle; and all of said injuries

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are to Plaintiff's non-economic damage in a sum which a jury determines to be reasonable, but not to exceed the sum of \$500,000.00.

9.

As a further direct and proximate result of the Defendants' negligence aforementioned, the Plaintiff was required to and did employ the services of doctors, nurses, hospital staff, and other health care providers for medical examinations, treatment, and care of the previously described injuries. As a result, the Plaintiff has incurred economic damages for past medical expenses in the approximate sum of \$160,000.00. Additionally, the Plaintiff will incur future economic damages for medical costs and health costs in the approximate sum of \$100,000.00.

10.

As a further direct and proximate result of the Defendants' negligence aforementioned, the Plaintiff was required to refrain from normal occupational activities. As a result, the Plaintiff has incurred economic damages for past wage loss in the approximate sum of \$35,000.00. Additionally, the Plaintiff will incur future economic damages for future wage loss and/or impairment of earning capacity in the approximate sum of \$200,000.00.

11.

Plaintiff hereby requests a jury trial.

12.

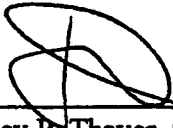
Wherefore, Plaintiff prays for judgment against the Defendants, and each of them, as follows:

1. For non-economic damages in a sum which a jury determines to be reasonable, but not to exceed the sum of \$500,000.00;

MAIER, SAYER, THAYER
AND ASSOCIATES
ATTORNEYS AT LAW
1781 Liberty Street SE, Salem, Oregon 97302
503/363-3443

2. For economic damages for past medical expenses in the approximate sum of \$160,000.00;
3. For economic damages for future medical expenses in the approximate sum of \$100,000.00;
4. For economic damages for past wage loss in the approximate sum of \$35,000.00;
5. For economic damages for future wage loss and/or impairment of earning capacity in the approximate sum of \$200,000.00; and
6. For Plaintiff's costs and disbursements incurred herein.

Respectfully submitted,
GATTI, GATTI, MAIER, SAYER,
THAYER & ASSOCIATES

By: 
Jeffrey P. Thayer, OSB #98359
Of Attorneys for Plaintiff

PAGE

6 - COMPLAINT FOR PERSONAL INJURIES, NEGLIGENCE, AND REQUEST FOR JURY TRIAL

EXHIBIT

PAGE 6 OF 18

In the Circuit Court of the State of Oregon

For the County of Multnomah

CATHERINE E. FRIAS,

Plaintiff,

v.

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Defendants.

Case No. 1010-15181

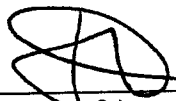
SUMMONS

TO: Douglas M. Pratt
5105 NE 144th Avenue
Vancouver, Washington 98682

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.


 Signature of Attorney / Author for Plaintiff
 Jeffrey P. Thayer OSB 98359
 1781 Liberty Street SE
 Salem, OR 97302 503-363-3443

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.


Trial Attorney if other than above Bar No.

 STATE OF OREGON:)
 County of Marion) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

ATTORNEY OF RECORD FOR PLAINTIFF(S)

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.


 Attorney(s) for Plaintiff(s)

EXHIBIT

1

PAGE

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In the Circuit Court of the State of Oregon

For the County of Multnomah

CATHERINE E. FRIAS,

Plaintiff,

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and PRINCE TELECOM, LLC, and/or its/their unknown business entity and/or
subsidiary, a foreign Limited Liability Company,

Defendants.

Case No. 1010-15181

SUMMONS


TO: CT Corporation System, Registered Agent
 Prince Telecom, Inc.
 388 State Street #420
 Salem, Oregon 97301

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

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If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.


 Signature of Attorney / Author for Plaintiff
 Jeffrey P. Thayer OSB 98359
 1781 Liberty Street SE
 Salem, OR 97302 503-363-3443

Trial Attorney if other than above

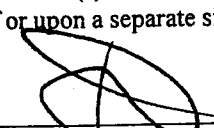
Bar No.

STATE OF OREGON:)
 County of Marion) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

ATTORNEY OF RECORD FOR PLAINTIFF(S)

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.


 Attorney(s) for Plaintiff(s)

EXHIBIT

PAGE 8 OF 18

In the Circuit Court of the State of Oregon

For the County of Multnomah

CATHERINE E. FRIAS,

Plaintiff,

v.

DOUGLAS M. PRATT, an individual; PRINCE TELECOM, INC., and/or its/
their unknown business entity and/or subsidiary, a foreign business corporation;
and PRINCE TELECOM, LLC, and/or its/their unknown business entity and/or
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Defendants.

Case No. 1010-15181

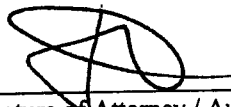
SUMMONS

TO: CT Corporation System, Registered Agent
Prince Telecom, LLC
388 State Street #420
Salem, Oregon 97301

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.



Signature of Attorney / Author for Plaintiff
Jeffrey P. Thayer OSB 98359
1781 Liberty Street SE
Salem, OR 97302 503-363-3443

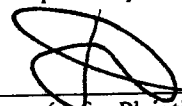
If you have any questions, you should see an attorney immediately
If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

Trial Attorney if other than above Bar No.STATE OF OREGON:)
County of Marion) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

ATTORNEY OF RECORD FOR PLAINTIFF(S)

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.



Attorney(s) for Plaintiff(s)EXHIBIT 1
PAGE 9 OF 18

RECEIVED
CIRCUIT COURT
MULTNOMAH COUNTY
10 NOV 15 AM 9:52
FILED

RETURN OF SERVICE

State of Oregon

County of Multnomah

Circuit Court

Case Number: 101015181

Plaintiff:

CATHERINE E. FRIAS

vs.

Defendant:

DOUGLAS M. PRATT; ET AL

For:

Jeffrey Thayer

GATTI, GATTI, MAIER, SAYER, THAYER, SMITH & ASSOCIATES

1781 Liberty Street Se

Salem, OR 97302

Received by Free Lance Investigations to be served on DOUGLAS M. PRATT, 5105 NE 144TH AVE, VANCOUVER, WA 98682.

I, Steven Peterson, do hereby affirm that on the 31st day of October, 2010 at 10:45 am,

SERVED the within named subject(s) with a true copy of the **SUMMONS AND COMPLAINT** by leaving the same with ROBERT PRATT, FATHER a person of suitable age and discretion who is a resident of the household pursuant to RCW 4.28.080(15).

I am a competent person over 18 years of age and not a party to nor an officer, director or employee of, nor attorney for any party.


Steven Peterson
WA 4652127 PSF

Free Lance Investigations
& Process Serving
P.O. Box 1948
Hillsboro, OR 97123
(503) 647-8444

Our Job Serial Number: BAB-2010004274

EXHIBIT 1

PAGE 10 OF 18

ORIGINAL

RECEIVED
CIRCUIT COURT
MULTNOMAH COUNTY
10 NOV 15 AM 9:53
FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

CATHERINE E. FRIAS,

Plaintiff,

v.

DOUGLAS M. PRATT, an individual;
PRINCE TELECOM, INC., and/or its/ their
unknown business entity and/or subsidiary, a
foreign business corporation; and PRINCE
TELECOM, LLC, and/or its/their unknown
business entity and/or subsidiary, a foreign
Limited Liability Company,

Defendants.

CASE NO.: 1010-15181

AFFIDAVIT OF MAILING

ENTERED
NOV 16 2010
IN REGISTER AM

STATE OF OREGON)

) ss

County of Marion)


I, Ashley N. Smith, do hereby depose and say that:

I am not a party in nor attorney under the above cause. On the 4th day of November, 2010,

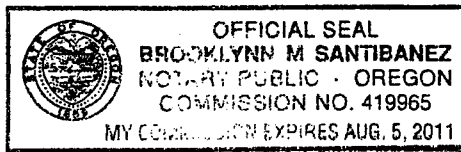
I deposited in the United States post office at Salem, Oregon, with postage sufficient and prepaid thereon, by certified mail and first class mail, an envelope containing a certified true copy of the Summons and Complaint for completion of service in the above matter and addressed to defendant Douglas M. Pratt at the last known address(es) and residence(s) therefore as follows:

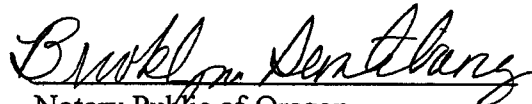
Douglas M. Pratt
5105 NE 144th Avenue
Vancouver, WA 98682

DATED this 12th day of November, 2010.


Ashley N. Smith

SUBSCRIBED AND AFFIRMED before me this 12 day of November, 2010.




Notary Public of Oregon
My Commission Expires: 8/5/11

CALL, GAIL,
MAIER, SAYER, THAYER
AND ASSOCIATES
ATTORNEYS AT LAW
1781 Liberty Street SE, Salem, Oregon 97302
503/363-3443

AFFIDAVIT OF SERVICE

State of Oregon

County of Multnomah

Case Number: 101015181

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Plaintiff:

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vs.

Defendant:

DOUGLAS M. PRATT; ET AL

For:

Jeffrey Thayer

GATTI, GATTI, MAIER, SAYER, THAYER, SMITH & ASSOCIATES

1781 Liberty Street Se

Salem, OR 97302

Received by Free Lance Investigations to be served on PRINCE TELECOM, INC. C/O CT CORPORATION SYSTEM, REGISTERED AGENT, 388 STATE ST, #420, SALEM, OR 97301.

I, Timothy Baker, being duly sworn, depose and say that on the 2nd day of November, 2010 at 1:25 pm, I:

SERVED the within named by delivering an exact and complete copy of the SUMMONS AND COMPLAINT personally to the registered agent, officer, director, general partner, or managing agent of the corporation or limited partnership, or clerk on duty in the office of a registered agent, specifically PATTI MCGRIF, AUTHORIZED TO ACCEPT at the address noted above.

I am a competent person over 18 years of age and a resident of the State of Oregon. I am not a party to nor an officer, director or employee of, nor attorney for any party. The entity served is the same entity named in the action.

ENTERED
2
NOV 16 2010
IN REGISTER AM

Subscribed and Sworn to before me on the 3rd day of November, 2010 by the affiant who is personally known to me.

Barbara A. Baughman
NOTARY PUBLIC

Timothy P. Baker
Timothy Baker
Process Server

Free Lance Investigations
& Process Serving

P.O. Box 1948

Hillsboro, OR 97123

(503) 547-8444

Our Job Serial Number: BAB-2010004275

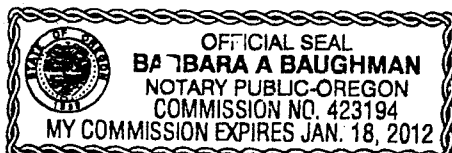


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Defendants.

CASE NO.: 1010-15181

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IN REGISTER AM

STATE OF OREGON)
) ss
County of Marion)

I, Ashley N. Smith, do hereby depose and say that:

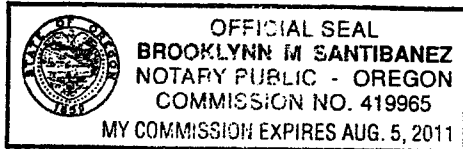
I am not a party in nor attorney under the above cause. On the 4th day of November, 2010,
I deposited in the United States post office at Salem, Oregon, with postage sufficient and prepaid
thereon, by certified mail and first class mail, an envelope containing a certified true copy of the
Summons and Complaint for completion of service in the above matter and addressed to defendant
Prince Telecom, Inc. at the last known address(es) and residence(s) therefore as follows:

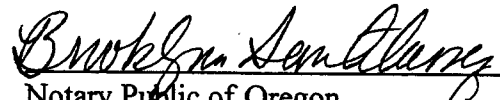
1 CT Corporation System, Registered Agent
2 Prince Telecom Inc.
3 388 State Street #420
4 Salem, Oregon 97301

5 DATED this 12th day of November, 2010.

6 
Ashley N. Smith

7 SUBSCRIBED AND AFFIRMED before me this 12 day of November, 2010.



13 
14 Notary Public of Oregon
15 My Commission Expires: 8/5/11
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MAIER, SAYER, THAYER
AND ASSOCIATES
ATTORNEYS AT LAW
1781 Liberty Street SE, Salem, Oregon 97302
503/563-3443

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State of Oregon

County of Multnomah

Case Number: 101015181

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For:

Jeffrey Thayer

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1781 Liberty Street Se

Salem, OR 97302

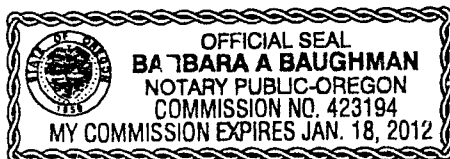
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I, Timothy Baker, being duly sworn, depose and say that on the 2nd day of November, 2010 at 1:25 pm, I:

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I am a competent person over 18 years of age and a resident of the State of Oregon. I am not a party to nor an officer, director or employee of, nor attorney for any party. The entity served is the same entity named in the action.

ENTERED
NOV 16 2010
JN REGISTER AM



Subscribed and Sworn to before me on the 3rd day of November, 2010 by the affiant who is personally known to me.

[Signature]
NOTARY PUBLIC

[Signature]
Timothy Baker
Process Server

Free Lance Investigations
& Process Serving
P.O. Box 1948
Hillsboro, OR 97123
(503) 547-8444
Our Job Serial Number: BAB-2010004276

EXHIBIT 1
PAGE 16 OF 18

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CASE NO.: 1010-15181

AFFIDAVIT OF MAILING

STATE OF OREGON)

) ss

County of Marion)

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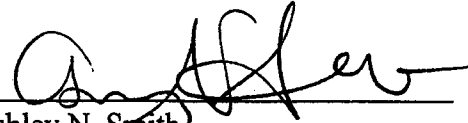
I am not a party in nor attorney under the above cause. On the 4th day of November, 2010,

I deposited in the United States post office at Salem, Oregon, with postage sufficient and prepaid thereon, by certified mail and first class mail, an envelope containing a certified true copy of the Summons and Complaint for completion of service in the above matter and addressed to defendant Prince Telecom, LLC at the last known address(es) and residence(s) therefore as follows:

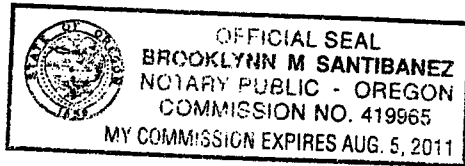
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NOV 16 2010
IN REGISTER AM

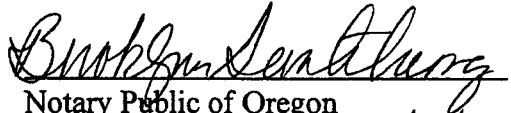
CT Corporation System, Registered Agent
Prince Telecom LLC
388 State Street #420
Salem, Oregon 97301

DATED this 12th day of November, 2010.


Ashley N. Smith

SUBSCRIBED AND AFFIRMED before me this 12 day of November, 2010.




Notary Public of Oregon
My Commission Expires: 8/5/11

MAIER, SAYER, THAYER
AND ASSOCIATES
ATTORNEYS AT LAW
1781 Liberty Street SE, Salem, Oregon 97302
503/563-3443

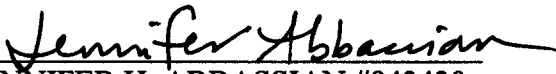
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served the foregoing NOTICE OF REMOVAL upon the following attorney on the 23rd day of November 2010, by:

- ☒ mailing with postage prepaid;
- ☐ hand delivery;
- ☐ facsimile transmission;
- ☐ overnight delivery;
- ☐ by e-mail delivery;

Jeffrey P. Thayer
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Fax: (503) 371-2482
Attorney for Plaintiff

DATED this 23rd day of November, 2010.


JENNIFER H. ABBASSIAN #943430
Of Attorneys for Defendants